

**In the Claims:**

**Please cancel claims 1-2, 6-8 and 15-16.**

**Please amend claims 3-5, 9-14 and 17-18 as follows.**

1-2. (Canceled)

3. (Currently Amended) A fastener driving tool comprising:

a tool body;

a driver guide coupled to the tool body and defining a fastener driving channel;

a magazine coupled to the driver guide and arranged and constructed to store plural types of fasteners that vary with respect to a length of a corresponding fastener, wherein the plural types of fasteners are stored such that ends of the fasteners, opposite to the heads of the fasteners, are positioned within the magazine at the same reference level irrespective of differences in type,

wherein only one type of the plural types of fasteners is stored within the magazine during a single driving operation;

a pusher plate arranged and constructed to individually feed each of the corresponding fasteners of the plural types of fasteners into the fastener driving channel;

a driver arranged and constructed to drive out each corresponding fastener fed into the fastener driving channel;

a trigger operable by an operator in order to actuate the driver;

an idle driving prevention device arranged and constructed to prevent the driving operation when no corresponding fastener exists within the fastener driving channel, the idle driving prevention device comprising:

a stopper member coupled to the trigger and movable in response to the operation of the trigger; and

a detection recess defined in an inner wall of the fastener driving channel in a position not opposing a head of the corresponding fastener that has been fed into the fastener driving channel,

wherein the head of the corresponding fastener is driven via contact with the driver,

wherein a restriction plate is disposed within the magazine and comprises an end portion,

wherein the restriction plate is biased in a fastener feeding direction,

wherein the restriction plate moves together with the pusher plate in the fastener feeding direction during the feeding of the corresponding fasteners,

wherein the end portion of the restriction plate enters the detection recess when no corresponding fastener is positioned within the fastener driving channel,

wherein when the end portion of the restriction plate is in the detection recess, the restriction plate engages the stopper member, inhibiting the further operation of the trigger;

~~A fastener driving tool as in claim 1, wherein the magazine is configured to store plural kinds of available fasteners that vary with respect to length, such that ends of the fasteners opposite to the heads are positioned within the magazine at the same reference level irrespective of difference in kind, and~~

wherein the detection recess is disposed at a position, spaced in a direction opposite to the fastener driving direction, away from the head of the corresponding fastener having a longest available length accommodated by the magazine, when ~~the~~ an end of the corresponding fastener fed into the fastener driving channel opposite the head contacts a workpiece during the driving operation of the corresponding fastener through the fastener driving channel,

wherein the end of the corresponding fastener is opposite to the head of the corresponding fastener.

4. (Currently Amended) A fastener driving tool as in claim 31, ~~wherein the magazine is configured to store plural kinds of available fasteners that are different with respect to length such that ends of the fasteners opposite to the heads are positioned within the magazine at the same reference level irrespective of difference in kind, and~~

wherein the detection recess is disposed at a position, spaced in the fastener driving direction, away from the head of the corresponding fastener that has a shortest available length accommodated by the fastener driving channel, ~~and~~

~~wherein the detection recess is spaced in a direction opposite to the fastener driving direction from the head of the fastener having a longest available length accommodated by the magazine when the end of the fastener opposite the head~~

~~contacts a workpiece during the driving operation of the fastener through the fastener driving channel.~~

5. (Currently Amended) A fastener driving tool as in claim ~~31~~, wherein the stopper member further includes an engaging recess and the restriction plate further includes a stopper edge,

wherein the movement of the stopper member in response to the operation of the trigger is restricted when the stopper edge engages the engaging recess, and

wherein an inclined surface with respect to the moving direction of the stopper member is formed on one of a portion of the stopper member adjacent to the engaging recess ~~or and~~ the stopper edge of the restriction plate, so that the restriction plate is shifted in a direction away from the fastener driving channel through sliding contact between the inclined surface and the one of the portion of the stopper member ~~or and~~ the stopper edge, as the stopper member moves in response to the operation of the trigger at least during the driving operation of a last corresponding fastener fed into the fastener driving channel.

6 – 8. (Canceled)

9. (Currently Amended) A fastener driving tool comprising:

a tool body;

a driver guide coupled to the tool body and defining a fastener driving channel;

a magazine coupled to the driver guide and arranged and constructed to store plural kinds of fasteners that vary with respect to length,

wherein only a single kind of the plural kinds of available fasteners is stored within the magazine during a driving operation; and

a detecting device arranged and constructed to detect when no fastener exists within the fastener driving channel,

wherein the detecting device includes a detection member and a detection recess formed in the fastener driving channel, the detection member having a front end contact portion,

wherein the front end contact portion is in contact with at least one fastener stored within the magazine, so that the front end of the detection member engages the

detection recess when no fastener exists within the magazine and the fastener driving channel.

wherein the detection member is movable by a distance greater than a thickness of the fastener when a last fastener has been driven out from the fastener driving channel,

wherein the detection recess is positioned so as to not oppose to a head of the fastener that has been fed into the fastener driving channel,

~~A fastener driving tool as in claim 7, wherein the magazine is configured to store plural kinds of available fasteners that vary with respect to length such that ends of the fasteners opposite to heads are positioned at the same reference level within the magazine irrespective of difference in kind, and~~

~~wherein the at least one detection recess is disposed at a position, spaced in a direction opposite to the fastener driving direction, away from the head of the fastener having a longest available length accommodated by the magazine,~~

~~wherein the at least one detection recess position is determined at a point in time when an the end of the fastener opposite to the head contacts a workpiece during the driving operation of the fastener through the fastener driving channel,~~

~~wherein the end of the fastener is opposite to the head of the fastener.~~

10. (Currently Amended) A fastener driving tool as in claim 97, wherein ~~the magazine is configured to store plural kinds of available fasteners that are different with respect to length such that ends of the fasteners opposite to the heads are positioned at the same reference level within the magazine irrespective of difference in kind, and~~

~~the at least one detection recess includes a first detection recess and a second detection recess, and~~

~~wherein the first detection recess is disposed at a position, spaced in the fastener driving direction, away from the head of the fastener that has a shortest available length accommodated by the magazine, and~~

~~wherein the second detection recess, is spaced in a direction opposite to the fastener driving direction, away from the head of the fastener having the a longest available length accommodated by the magazine,~~

~~wherein the second detection recess position is determined at a point in time when the end of the fastener opposite to the head contacts the a workpiece during the driving operation of the fastener through the fastener driving channel.~~

11. (Currently Amended) A fastener driving tool as in claim 97, further including a trigger operable by an operator in order to drive out the fastener fed into the fastener driving channel, and

an engaging member coupled to the trigger so that the engaging member moves together with the trigger as the trigger is operated, and

wherein the ~~at least one~~ detection member is engageable with the engaging member to prevent the trigger from being operated when the front end of the ~~at least one~~ detection member enters the ~~at least one~~ detection recess.

12. (Currently Amended) A fastener driving tool as in claim 11, further including a driver that is movable within the fastener driving channel in order to apply an impact to ~~the~~ a head of the fastener fed into the fastener driving ~~tool~~ channel when the trigger is operated.

13. (Currently Amended) A fastener driving tool as in claim 12, wherein the engaging member includes an engaging recess and the detection member includes an engaging edge engageable with the engaging recess, and

wherein the engaging member has an inclined surface inclined with respect to the moving direction of the engaging member and formed at an entrance of ~~in~~ ~~continuity with~~ the engaging recess,

wherein so that the detection member is shifted in a direction away from the fastener driving channel through sliding contact between the inclined surface of the engaging recess and the engaging edge,

wherein the detection member is shifted at least as the engaging member moves in response to the operation of the trigger,

wherein the operation of the trigger is performed in order to drive out a last fastener fed into the fastener driving channel.

14. (Currently Amended) A fastener driving tool comprising:

a tool body;

a driver guide coupled to the tool body and defining a fastener driving channel;

a magazine coupled to the driver guide and arranged and constructed to store plural kinds of fasteners that vary with respect to length,

wherein only a single kind of the plural kinds of available fasteners is stored within the magazine during a driving operation;

a detecting device arranged and constructed to detect when no fastener exists within the fastener driving channel,

wherein the detecting device includes a detection member and a detection recess formed in the fastener driving channel, the detection member having a front end contact portion,

wherein the front end contact portion is in contact with at least one fastener stored within the magazine, so that the front end of the detection member engages the detection recess when no fastener exists within the magazine and the fastener driving channel,

wherein the detection member is movable by a distance greater than a thickness of the fastener when a last fastener has been driven out from the fastener driving channel,

wherein the detection recess is positioned so as to not oppose to a head of the fastener that has been fed into the fastener driving channel; and

~~A fastener driving tool as in claim 7 further including~~ a pusher plate ~~that is~~ biased in the fastener feeding direction toward the fastener driving channel and ~~has~~ having a front end that contacts a last fastener included in a fastener strip when the last fastener is within the magazine and when the last fastener is within the fastener driving channel, so as to urge the fastener strip toward the fastener driving channel,

wherein the pusher plate is a separate component from the ~~at least one~~ detection member.

15-16. (Canceled)

17. (Currently Amended) A fastener driving tool comprising:

a tool body;

a driver guide coupled to the tool body and defining a fastener driving channel;

a magazine coupled to the driver guide and arranged and constructed to store at least one type of fastener.

wherein the type of fastener can vary with respect to length;

a detecting device arranged and constructed to detect when no corresponding fastener exists within the fastener driving channel, wherein the detecting device includes a detection member biased in a fastener feeding direction and contacting a last one of the at least one type of fastener within the magazine;

a driver movable within the fastener driving channel in order to apply an impact to a head of the corresponding fastener, fed into the fastener driving channel, when the trigger is operated;

an impact prevention device arranged and constructed to prevent application of the impact to the detecting member by the driver after the last corresponding fastener is driven out from the fastener driving channel by the driver;

~~A fastener driving tool as in claim 15, further including:~~

a trigger operable by an operator in order to drive out the corresponding at least one type of fastener fed into the fastener driving channel; and

an engaging member coupled to the trigger so that the engaging member moves together with the trigger as the trigger is operated, wherein the detection member is engageable with the engaging member to prevent the trigger from being operated when the detection device detects no corresponding fastener within the fastener driving channel,

wherein the impact prevention device comprises a cam mechanism provided between the detection member and the engaging member, so that the detection member is moved away from the fastener driving channel as the engaging member is moved together with the trigger, at least when the trigger is operated to drive out the last corresponding fastener.

18. (Currently Amended) A fastener driving tool as in claim 17, wherein the engaging member moves substantially perpendicular to the fastener feeding direction and the cam mechanism includes an inclined surface formed on at least one of the engaging member ~~and~~ or the detection member and the cam mechanism is inclined with respect to the moving direction of the engaging member.

**Please add new claim 19 as follows.**

19. (New) A fastener driving tool as in claim 17 further comprising:

a detection recess within the fastener driving channel;  
wherein the detecting member engages the detection recess after the last  
corresponding fastener is driven out of the fastener driving channel; and  
wherein the detection recess is positioned so as to not oppose the head of the  
corresponding fastener fed into the fastener driving channel.